

1 PERKINS COIE LLP  
2 Barbara J. Schussman, Bar No. 142352  
3 Marc R. Bruner, Bar No. 212344  
4 505 Howard Street, Suite 1000  
5 San Francisco, CA 94105  
6 (415) 344-7000  
7 Email: [mbruner@perkinscoie.com](mailto:mbruner@perkinscoie.com)

8 BOLD, POLISNER, MADDOW, NELSON & JUDSON  
9 Sharon M. Nagle, Bar No. 179124  
10 Douglas E. Coty, Bar No. 227006  
11 2125 Oak Grove Road, Suite 210  
12 Walnut Creek, CA 94598  
13 (925) 933-7777  
14 Email: [snagle@bpmj.com](mailto:snagle@bpmj.com)

15 Attorneys for Proposed Defendant-Intervenor  
16 CONTRA COSTA WATER DISTRICT

17

18 UNITED STATES DISTRICT COURT  
19 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

20

21 THE CALIFORNIA NATURAL  
22 RESOURCES AGENCY, THE  
23 CALIFORNIA ENVIRONMENTAL  
24 PROTECTION AGENCY, THE PEOPLE  
25 OF THE STATE OF CALIFORNIA, BY AND  
26 THROUGH CALIFORNIA ATTORNEY  
27 GENERAL XAVIER BECERRA,  
28 Plaintiffs,

vs.

1 WILBUR ROSS, in his official capacity as  
2 Secretary of Commerce; CHRIS OLIVER, in  
3 his official capacity as Assistant Administrator  
4 for Fisheries at the National Oceanic and  
5 Atmospheric Administration; NATIONAL  
6 MARINE FISHERIES SERVICE; DAVID  
7 BERNHARDT, in his official capacity as  
8 Secretary of the Interior; AURELIA  
9 SKIPWITH, in her official capacity as Director,  
10 U.S. Fish and Wildlife Service; U.S. FISH  
11 AND WILDLIFE SERVICE; BRENDA  
12 BURMAN, in her official capacity as  
13 Commissioner of the Bureau of Reclamation;  
14 and U.S. BUREAU OF RECLAMATION,

15 Defendants.

16 Case No. 1:20-CV-00426-DAD-EPG

17 Related to Case No. 1:20-CV-00431-DAD-  
18 EPG

19 **STIPULATION AND ORDER  
20 REGARDING INTERVENTION OF  
21 CONTRA COSTA WATER DISTRICT**

This stipulation is entered into by Plaintiff California Natural Resources Agency, California Environmental Protection Agency, and People of the State of California, by and through California Attorney General Xavier Becerra (“Plaintiffs”); Defendants Wilbur Ross, in his official capacity as Secretary of Commerce; Chris Oliver, in his official capacity as Assistant Administrator for Fisheries at the National Oceanic and Atmospheric Administration; National Marine Fisheries Service; David Bernhardt, in his official capacity as Secretary of Interior; Aurelia Skipwith, in her official capacity as Director of the U.S. Fish and Wildlife Service; U.S. Fish and Wildlife Service; Brenda Burman, in her official capacity as Commissioner of the Bureau of Reclamation; and U.S. Bureau of Reclamation (“Federal Defendants”); the Contra-Costa Water District (“CCWD”); and Defendants-Intervenors Sacramento River Settlement Contractors and Tehama-Colusa Canal Authority (collectively, “Sacramento River Intervenors”); State Water Contractors (“SWC”); San Luis & Delta Mendota Water Authority (“SLDMWA”); Westlands Water District (“Westlands”); Oakdale Irrigation District (“OID”); South San Joaquin Irrigation District (“SSJID”); and Friant Water Authority and Arvin-Edison Water Storage District (collectively, “Friant Intervenors”). Plaintiffs, Federal Defendants, CCWD and Defendants-Intervenors are collectively referred to hereinafter as the “Parties.”

## RECITALS

17 WHEREAS, Plaintiffs filed the instant action naming only Federal Defendants as  
18 defendants. ECF No. 1.

WHEREAS, SLDMWA and Westlands moved to intervene, and Plaintiffs filed a notice of non-opposition to the motion on the ground that permissive intervention “is likely appropriate in this case.” ECF No. 13; ECF No. 37, at 1-2.

22 WHEREAS, the SWC moved to intervene, and Plaintiffs filed a notice of non-opposition  
23 to the motion on the ground that permissive intervention “is likely appropriate in this case.” ECF  
24 No. 24; ECF No. 38, at 1.

WHEREAS, the Court on April 17, 2020, issued an order granting permissive intervention to the Sacramento River Intervenors, based on a stipulation executed by Plaintiffs, Federal Defendants and the Sacramento River Intervenors. ECF No. 46.

28 WHEREAS, Plaintiffs filed a First Amended Complaint on April 21, 2020. ECF No. 51.

1           WHEREAS, the Court on April 23, 2020, issued an order granting the motions of  
2 SLDMWA, Westlands and the SWC to intervene permissively in this action. ECF No. 65.

3           WHEREAS the Court on April 23, 2020, issued an order granting permissive intervention  
4 to OID and SSJID, based on a stipulation executed by Plaintiffs, Federal Defendants, the  
5 Sacramento River Intervenors, OID and SSJID. ECF No. 66.

6           WHEREAS, the Friant Intervenors on April 27, 2020, filed a stipulation for permissive  
7 intervention executed by the Plaintiffs, Federal Defendants and Defendants-Intervenors. ECF No.  
8 68.

9           WHEREAS, CCWD has a long-term contract with Defendant United States Bureau of  
10 Reclamation (“Reclamation”) for water supply that is stored and conveyed by the Central Valley  
11 Project (“CVP”), and contends that this long-term contract is authorized pursuant to the Central  
12 Valley Project Improvement Act, Pub. L. No. 102-575, Title XXXIV (106 Stat. 4706, Oct. 30,  
13 1992), the same federal law that authorizes the long-term CVP contracts between Reclamation  
14 and other water agency intervenors in this case.

15          WHEREAS, CCWD contends that the outcome of this action could negatively impact its  
16 water supply operations and its ability to fulfill its mission of providing high-quality, low-salinity  
17 water to its 500,000 customers in central and eastern Contra Costa County.

18          WHEREAS, to avoid the necessity of briefing on a motion for CCWD to intervene in this  
19 case, where the grounds that support CCWD’s intervention are similar to the grounds that have  
20 been raised in prior motions to intervene by other intervenors in this case, and given Plaintiffs’  
21 non-opposition to permissive intervention in response to such prior motions, the Parties agree that  
22 CCWD should be granted leave to intervene permissively in this case.

23          NOW, THEREFORE, it is hereby stipulated by and between the Parties, through their  
24 respective counsel, as follows:

- 25           1.       CCWD shall be granted permissive intervention in this action.
- 26           2.       CCWD shall be permitted to promptly file their answer in intervention to  
27 Plaintiffs’ First Amended Complaint.
- 28           3.       CCWD agrees to make a good-faith effort to avoid the duplication of any

1 arguments made by Federal Defendants on substantive issues raised in this matter, to the extent  
2 that Federal Defendants are making the same point in their arguments and are not merely  
3 covering the same subject matter relevant to the issues before the Court.

4. Plaintiffs and CCWD agree to meet and confer on the need for any proposed page  
5 limitations on briefing by CCWD in this action. Plaintiffs and CCWD reserve the right to seek or  
6 oppose additional limitations on the length of briefs in the event Plaintiffs and CCWD are unable  
7 to reach an agreement on page limits.

8 DATED: Apr. 27, 2020

9 PERKINS COIE LLP

10 By: /s/ Marc Bruner

11 MARC BRUNER

12 Attorneys for Proposed Defendant-Intervenor  
CONTRA COSTA WATER DISTRICT

13 DATED: Apr. 27, 2020

14 XAVIER BECERRA

15 Attorney General of California

TRACY L. WINSOR

Supervising Deputy Attorney General

16 By: /s/ Daniel Fuchs (authorized 4/27/20)

17 DANIEL FUCHS

18 Attorneys for Plaintiffs CALIFORNIA NATURAL  
19 RESOURCES AGENCY and PEOPLE OF THE  
STATE OF CALIFORNIA BY AND THROUGH  
20 ATTORNEY GENERAL XAVIER BECERRA

21 DATED: Apr. 29, 2020

22 U.S. DEPARTMENT OF JUSTICE ENVIRONMENT  
& NATURAL RESOURCES DIVISION WILDLIFE &  
23 MARINE RESOURCES SECTION

24 By: /s/ Lesley Lawrence-Hammer (authorized 4/29/20)

25 LESLEY LAWRENCE-HAMMER

26 Attorneys for FEDERAL DEFENDANTS

1  
2  
3 DATED: Apr. 29, 2020

DOWNEY BRAND LLP

4 By: /s/ Meredith Nickel (authorized 4/29/20)

5 MEREDITH NICKEL

6 Attorneys for Defendants-Intervenors  
7 RECLAMATION DISTRICT NO. 108, SUTTER  
8 MUTUAL WATER COMPANY; NATOMAS  
9 CENTRAL MUTUAL WATER COMPANY; RIVER  
10 GARDEN FARMS WATER COMPANY;  
11 PLEASANT GROVE-VERONA MUTUAL WATER  
12 COMPANY; PELGER MUTUAL WATER  
13 COMPANY; MERIDIAN FARMS WATER  
14 COMPANY; HENRY D. RICHTER, et al.;  
15 HOWALD FARMS, INC.; OJI BROTHERS FARM,  
16 INC.; OJI FAMILY PARTNERSHIP; CARTER  
17 MUTUAL WATER COMPANY; WINDSWEPT  
18 LAND AND LIVESTOCK COMPANY;  
19 MAXWELL IRRIGATION DISTRICT; BEVERLY  
20 F. ANDREOTTI, et al.; TISDALE IRRIGATION  
21 AND DRAINAGE COMPANY; PROVIDENT  
22 IRRIGATION DISTRICT; PRINCETON-CODORA-  
23 GLENN IRRIGATION DISTRICT and TEHAMA-  
24 COLUSA CANAL AUTHORITY

17 DATED: Apr. 29, 2020

SOMACH SIMMONS & DUNN

18 By: /s/ Andrew Hitchings (authorized 4/29/20)

19 ANDREW HITCHINGS

20 Attorneys for Defendants-Intervenors GLENN  
21 COLUSA IRRIGATION DISTRICT;  
22 RECLAMATION DISTRICT NO. 104; CONAWAY  
23 PRESERVATION GROUP, LLC; DAVID AND  
24 ALICE te VELDE FAMILY TRUST; PELGER  
25 ROAD 1700, LLC; ANDERSON- COTTONWOOD  
26 IRRIGATION DISTRICT; CITY OF REDDING; and  
27 KNIGHTS LANDING INVESTORS, LLC

1 DATED: Apr. 30, 2020

VAN NESS FELDMAN LLP

2 By: /s/ Jenna R. Mandell-Rice (authorized 4/30/30)

3 JENNA R. MANDELL-RICE

4 Attorneys for Defendant-Intervenor

5 THE STATE WATER CONTRACTORS

6 DATED: Apr. 30, 2020

O'LAUGHLIN & PARIS, LLP

7 By: /s/ Timothy J. Wasiewski (authorized 4/30/20)

8 TIMOTHY J. WASIEWSKI

9 Attorneys for Defendant-Intervenor OAKDALE  
IRRIGATION DISTRICT

10 DATED: Apr. 30, 2020

ROBBINS, BROWNING, GODWIN & MARCHINI

11 By: /s/ Kenneth Robbins (authorized 4/30/20)

12 KENNETH ROBBINS

13 Attorneys for Defendant-Intervenor SOUTH SAN  
14 JOAQUIN IRRIGATION DISTRICT

15 DATED: Apr. 29, 2020

KAPLAN KIRSCH & ROCKWELL, LLP

16 By: /s/ Matthew Adams (authorized 4/29/20)

17 MATTHEW G. ADAMS

18 Attorneys for Defendants-Intervenors FRIANT  
19 WATER AUTHORITY and ARVIN-EDISON  
20 STORAGE DISTRICT

21 DATED: May 4, 2020

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD

22 By: /s/ Daniel O'Hanlon (authorized 5/4/20)

23 DANIEL J. O'HANLON

24 Attorneys for Defendants-Intervenors  
25 SAN LUIS & DELTA-MENDOTA WATER  
AUTHORITY and WESTLANDS WATER  
DISTRICT

## **ORDER**

The Court hereby grants permissive intervention to Contra Costa Water District pursuant to the terms of the parties' Stipulation.

IT IS SO ORDERED.

Dated: May 10, 2020

Dale A. Troyd  
UNITED STATES DISTRICT JUDGE